

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN**

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**In Re: Annie M. Taylor**

Bankruptcy No. 21-11295

Chapter 7

Debtors.

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**OBJECTION TO DEBTOR'S CLAIM OF EXEMPTION  
RE: HOMESTEAD**

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The Trustee, Parrish J. Jones, objects to debtor's Schedule C as it relates to the (1) statutory exemption and (2) value of real property described below. The procedural background grounds for the objection are as follows:

1. This bankruptcy was filed June 16, 2021 along with Schedules A, B, C and a Statement of Financial Affairs. Dkt. No. 1.

2. The 341 hearing was held on August 5, 2021 and resulted in a meeting held and concluded report filed on August 5, 2021.

3. The Debtor lists real property to Schedule A/B as 6684 County Road F, Lake Nebagamon, Wisconsin 54849 in the amount of \$123,700.00 with owned portion in the amount of \$123,700.00.

4. At the 341 hearing, the following colloquy transpired between the Trustee and Debtor:

Trustee: I see the tax assessor thinks the property with the house on it is worth \$174,700.00 and the adjoining lot is worth \$17,900.00. Do you disagree with what the tax assessor thinks the property is worth?

Debtor: No.

Trustee: Have you had an appraisal done on the property recently?

Debtor: No.

Trustee: Have you had a market analysis done on the property recently?

Debtor: No.

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Trustee: Describe the property for me; it's a house, does it have a garage that's attached, detached, how big is the garage?

Debtor: Detached, four car garage, nothing fancy.

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Trustee: What kind of shape is the house in?

Debtor: Livable. I mean nothing fancy. Needs some repairs.

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Trustee: How do you know you owe \$14,309.00?

Debtor: We checked with the City of Superior.

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Trustee: You're also saying you owe Douglas County Rural Housing \$5,625.00. Do they have a mortgage against your property?

Debtor: Yeah [...]

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Trustee: Do you have any other mortgages or liens that are against your property?

Debtor: No.

5. The Debtor lists exemptions on Schedule C as Wis. Stat. §815.20 in the amount of \$75,000.00 and Wis. Stat. §§ 425.106 (c) and 421.301 in the amount of \$28,766.00.

6. Wis. Stat. § 425.106 (c), only applies if the fair market value, *less* the mortgages and liens is less than \$15,000.00. In this instance, whether you accept the Debtor's value or the assessor's value, the house is worth much more than \$15,000.00.

7. Furthermore, the Trustee asserts you cannot stack Wisconsin's \$75,000.00 homestead exemption and the consumer exemption under Wis. Stat. § 425.106 (c).

8. Wis. Stat. §421.301, is not an exemption, but cross referenced with chapter 425.

9. The following is a breakdown of the estimated net value of the property available to the bankruptcy estate:

Asset	Value/debt
6684 S. County Rd F	\$174,700.00
Vacant	\$17,900.00
Creditor	
City of Superior	-\$14,309.00
Douglas County	-\$5,625.00
Exemption	
Wis. Stat. 815.20	-\$75,000.00
Net Total	\$97,666.00

10. In sum, the Trustee objects to the Debtor's asserted value of the property and the consumer exemption.

Dated this 12<sup>th</sup> day of August 2021.

TORVINEN, JONES, ROUTH & SAUNDERS, S.C.

*/s/ Parrish J. Jones*

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